

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES GINZKEY, RICHARD
FITZGERALD, CHARLES CERF, BARRY
DONNER, and on behalf of the class
members described below,

Plaintiffs,

v.

NATIONAL SECURITIES
CORPORATION, a Washington Corporation

Defendant.

Case No.: 2:18-cv-1773RSM

JOINT STATUS REPORT

Plaintiffs, JAMES GINZKEY (“Ginskey”), RICHARD FITZGERALD (“Fitzgerald”),
CHARLES CERF (“Cerf”), BARRY DONNER (“Donner”) (collectively, the “Plaintiffs”),
and Defendant, NATIONAL SECURITIES CORPORATION (“NSC”), by and through their
undersigned counsel, respectfully submit this Joint Status Report.

Pursuant to the Order Granting Plaintiffs’ Motion for Class Certification dated April
27, 2021, within thirty days therefrom and on May 24, 2021, Plaintiffs submitted to counsel
for Defendant draft long-form and short-form notices to be sent to the class members advising
them of the existence of the class and their rights. On June 4, 2021, Defendant returned to
Counsel for Plaintiffs edited versions of the notices. On June 7, 2021, Counsel for the parties
held a conference call during which the edits to the proposed notices were discussed and
agreed to. Counsel further discussed issues related to administration of the class notices,
hiring an administrator, and agreed to cooperate to the fullest extent possible on ensuring the
creation of a complete and accurate contact list for the class members. It is contemplated that

1 at least some of the class members are clients of Defendant and as such, to the extent
 2 Beamreach investor lists that have been produced have inaccurate mailing addresses for some
 3 class members, Defendant agreed to work with Plaintiffs' counsel to ensure an accurate
 4 mailing list is generated. The parties agreed to submit an Agreed Notice and Plan to the court
 5 with sixty days of the date of this status report.
 6

7 Plaintiffs respectfully request this matter be set for a telephone status in July in order
 8 to set trial dates. Plaintiffs have requested a jury trial and this case would likely require two
 9 full weeks of the court's time. It is Plaintiffs' position that considering the effects of the
 10 pandemic on the jury system, the class would greatly benefit from setting a trial date before
 11 the backlog of trials clears.
 12

13 Defendant has appealed the Court's order granting class certification to the Ninth
 14 Circuit Court of Appeals and has moved this Court to stay this case pending resolution of the
 15 Ninth Circuit's appellate proceedings. Accordingly, Defendant's position is that notice should
 16 not be provided until the Ninth Circuit's proceedings are completed, if still necessary.
 17 Similarly, Defendant's position is that a trial date should not be set until the Ninth Circuit has
 18 concluded appellate proceedings.
 19

20
 21 Dated this 10th day of June, 2021.

22
 23 FOR PLAINTIFFS

24 By: /s/ Joseph R. Wojciechowski
 One of Their Attorneys

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 26 Sara Hanley, Esq.
 27 *Pro Hac Vice*

FOR DEFENDANTS

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